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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/828,031

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Wolf-Rudiger DeLong

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04/13/2004

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EXAMINER

MARIAM, DANIEL G

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 04/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,031

Applicant(s)

DELONG, WOLF-RUDIGER

Examiner

DANIEL G MARIAM

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1, 10, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 & 5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because element 15, in Figure 2 labeled “RadonTransformation” does not have any functional relationship with the other elements. Additionally, in Figure 1 the labels “Projektion Display and User Interface” and “Abstraktion Unit” should be changed to “Projection Display and User Interface” and “Abstraction Unit” respectively. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The statement made on page 1 of the specification, under the heading “Cross-References to Related Application” and before the heading “Background of the Invention” should be deleted.

Claim suggestions

3. The limitation “The process according to claim 10, wherein additional properties are color values, image brightness, and at least one of variance and class form” recited in claim 11 would be in proper form if rewritten as “The process according to claim 10, wherein “said” additional properties are color values, image brightness, and at least one of variance and class form”.

Claim Objections

4. Claim 1 is objected to because of the following informalities: the limitation “referencing to individual image points the classification obtained in the transformation space” recited in step (e) appears to be grammatically incorrect. Likewise, the limitations “additional properties of obtained classifications are calculated” recited in claim 10 appear to be grammatically incorrect. Appropriate correction is required.

Claim 13 recites the limitation “A computer program that is loadable into memory of a digital computer and having a software code for performance of a process with the steps according to claim 1 when said software code runs on said computer” and is improper. The claimed language should be changed to “A computer program that is stored in a computer readable medium/memory of a digital computer and having a software code for performance of a process with the steps according to claim 1 when said software code runs on said computer”. A similar change should also be made to claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation “dividing a whole normalized transformation space into classes . . .” in step (d). While the prior claim language recites “the normalization of individual transformation results”, it is unclear where the whole normalized transformation space came

Art Unit: 2621

from. Additionally, claim 8 recites the limitation “wherein sequences of transformations, normalizations and classifications are determined during the interaction are stored”, and it is unclear where the determined features are suppose to be stored. Please clarify.

Since claims 2-15 directly or indirectly depend on claim 1 they are also rejected under 35 U.S.C. 112, second paragraph, for the same reason set forth above for claim 1.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 5671294, 6044171, 6078680, 6408107, and 6496560, and a publication to: Kamel, et al. “A Division Vision Classification System Using Fourier Descriptors”.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G MARIAM whose telephone number is 703-305-4010. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEO BOUDREAU can be reached on 703-305-4607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/828,031

Art Unit: 2621

Page 5


DANIEL MARIAM
PRIMARY EXAMINER

April 8, 2004